

The article was variously labeled in part: "Milrey Brand Pure Strawberry [or "Raspberry"] Jam, Milrey Packing Co. * * * N. Y. C."; "Nature's Own Pure Cherry [or "Imported Pineapple" or "Blackberry"] Jam, Fresh Grown Preserve Corp., Brooklyn, N. Y."

The articles were alleged to be adulterated in that jellified mixtures of water, sugar, and pectin had been mixed and packed with the articles so as to reduce, lower, and affect their quality; in that mixtures of fruit, sugar, water, and pectin containing less than the normal proportion of fruit had been substituted for jams; and in that they had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels "Pure Strawberry Jam", or "Pure Raspberry Jam", "Pure Cherry Jam", "Pure Pineapple Jam", or "Pure Blackberry Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling jams, but which contained less than the normal fruit content of jam; and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On June 11, 1933, the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be transferred to properly labeled containers.

W. R. GREGG, *Acting Secretary of Agriculture.*

25675. Adulteration of tomato catsup. U. S. v. 84 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36539. Sample no. 45164-B.)

This product contained excessive mold.

On October 23, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cases of tomato catsup at Cincinnati, Ohio, consigned on or about September 14, 1935, alleging that the article had been shipped in interstate commerce by the Arthur Baehr Co., Cincinnati, Ohio, from Windfall, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Heart of Indiana Brand Tomato Catsup, Distributed by John S. Mitchell, Inc., Windfall, Ind."

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a decomposed vegetable substance.

On December 17, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25676. Misbranding of wine. U. S. v. 84 Bottles of Wine. Default decree of condemnation and forfeiture, providing for delivery of the product to the district supervisor of the Alcohol Tax Unit of the Treasury Department. (F. & D. no. 36548. Sample no. 30993-B.)

This article was sold as wine, produced in Italy and containing 14 percent of alcohol, but in fact had been made in this country and contained less than 14 percent of alcohol.

On October 31, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 bottles of wine at Englewood Cliffs, N. J., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by John Aquino Sons, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Alcohol by Volume Not Over 14% Vulcan Red Cragnano Product of Italy * * * John Aquino Sons Inc. Importers New York, N. Y. Naples, Italy."

Misbranding of the article was charged (a) under the allegation that the statements borne on the labels, to wit, "Alcohol by Volume Not Over 14%" and "Product of Italy", were false and misleading and tended to deceive and mislead the purchaser; and (b) under the allegation that the article purported to be imported Italian wine, whereas it was made in the United States.

On December 20, 1935, no claimant having appeared, a default decree of condemnation and forfeiture was entered providing for delivery of the product to the Treasury Department.

W. R. GREGG, *Acting Secretary of Agriculture.*